

Ord. #- 2018-12

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER ESTABLISHING PART 1, GENERAL LEGISLATION, CHAPTER 12, "ALCOHOLIC BEVERAGES," SECTION 12-5, SETTING FORTH BRING YOUR OWN BOTTLE ("BYOB") HOURS LIMITATIONS

WHEREAS, the Township Committee has determined that alcohol use is a public safety concern, and being in the best interest of the Township and its residents to amend certain provisions in Chapter 12 "Alcoholic Beverages," of the Township Code, Section 12-5, Hours; sale to minors; visibility and access requirements, and amend this section to set forth hourly limits for establishments that allow Bring Your Own Bottle ("BYOB"), and in accordance with the Purpose Section of Section 12-1 of the Township Code;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Andover in the County of Sussex and State of New Jersey, as follows:

SECTION 1. Chapter 12, "Alcoholic Beverages," Section 5, Hours; Sales to minors; visibility and access requirements, shall be amended as follows:

§ 12-5 G. Bring Your Own Bottle "BYOB" exception for establishments not licensed for on-premises consumption.

G. The following rules, which are incorporated by reference from N.J.S.A. 2C:33-27, as amended, and are hereby made part of § 12-5, apply to those establishments allowing patrons to Bring Your Own Bottle ("BYOB").

- (1) Recognizing that BYOB is authorized pursuant to New Jersey Statute, the consumption of wine and/or malt alcoholic beverages in a restaurant, dining room or other public place where food or liquid refreshments are sold to the general public pursuant to BYOB shall be permitted only during the hours of 12:00 p.m. prevailing time to 10:00 p.m. prevailing time. All other rules, incorporated by reference pursuant to N.J.S.A. 2C:33-27, as amended, shall apply, including provisions that alcohol may only be consumed by persons of the appropriate legal age. Any violations shall be enforced by the police, or by the Code Enforcement Official.
- (2) Any such establishment open to the public, irrespective of whether or not food or liquid refreshments are sold or served, that engage in any business function, specifically including art classes and adult entertainment establishments, allowing patrons to consume wine or malt alcoholic beverages pursuant to BYOB, shall register with the Township Clerk no later than January 1st of each calendar year
- (3) No such establishment shall charge any admission fee or cover, corkage or service charge or advertise inside or outside of such premises that patrons

may bring and consume their own wine or malt alcoholic beverages in a portion of the premises which is open to the public.

- (4) No such establishment shall allow the consumption of wine or malt alcoholic beverages by persons not of legal age at any time.
- (5) A person who violates any provision of this act is a disorderly person, and the court, in addition to the sentence imposed for the disorderly person violation, may by its judgment bar the owner or operator from allowing consumption of wine or malt alcoholic beverages in his premises as authorized by this act.

SECTION 2. All ordinances of the Township of Andover, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: 08/13/2018
ADOPTED: 09/10/2018
EFFECTIVE DATE:09/17/2018

ATTEST:

Diana Francisco
Diana Francisco, Clerk

Date: 9/12/18

TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX
STATE OF NEW JERSEY

By: Janis McGovern
Janis McGovern, Mayor

Date: 9-12-18